

Pryce (OH)	Scott (VA)	Tierney
Putnam	Sensenbrenner	Towns
Radanovich	Serrano	Tsongas
Rahall	Sestak	Turner
Ramstad	Shays	Udall (CO)
Rehberg	Shea-Porter	Udall (NM)
Reichert	Sherman	Upton
Reyes	Shimkus	Van Hollen
Reynolds	Shuler	Velázquez
Richardson	Shuster	Visclosky
Rodriguez	Simpson	Walberg
Rogers (AL)	Sires	Walden (OR)
Rogers (KY)	Skelton	Walsh (NY)
Rogers (MI)	Slaughter	Walz (MN)
Rohrabacher	Smith (NE)	Wamp
Ros-Lehtinen	Smith (NJ)	Wasserman
Roskam	Smith (TX)	Schultz
Ross	Smith (WA)	Waters
Roybal-Allard	Snyder	Watson
Royce	Solis	Watt
Ruppersberger	Souder	Waxman
Ryan (OH)	Space	Weiner
Ryan (WI)	Spratt	Welch (VT)
Salazar	Stark	Weller
Sali	Stearns	Westmoreland
Sánchez, Linda	Stupak	Wexler
T.	Sutton	Wilson (NM)
Sanchez, Loretta	Tanner	Wilson (OH)
Sarbanes	Tauscher	Wilson (SC)
Saxton	Taylor	Wittman (VA)
Schakowsky	Terry	Wolf
Schiff	Thompson (CA)	Wu
Schmidt	Thornberry	Wynn
Schwartz	Tiahrt	Yarmuth
Scott (GA)	Tiberi	Young (FL)

NOT VOTING—31

Abercrombie	Frank (MA)	Rangel
Bachus	Gingrey	Renzi
Baird	Gordon	Rothman
Blumenauer	Hooley	Rush
Cardoza	Israel	Tancredo
Castor	Johnson (GA)	Thompson (MS)
Cohen	McCollum (MN)	Weldon (FL)
Costello	Miller, George	Woolsey
Cubin	Oberstar	Young (AK)
Dicks	Pascrell	
Engel	Peterson (PA)	

□ 1150

Ms. SHEA-PORTER changed her vote from “aye” to “no.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

QUESTION OF PERSONAL PRIVILEGE

Mr. HASTINGS of Washington. Mr. Speaker, pursuant to clause 1 of rule IX, I rise to a question of personal privilege.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentleman's point of personal privilege.

The gentleman from Washington is recognized for 1 hour.

Mr. HASTINGS of Washington. Thank you, Mr. Speaker.

Mr. Speaker, no one in this House takes more seriously than I do the rules governing confidentiality of matters before the House Ethics Committee.

Each of us privileged to serve on the committee signs an oath pledging not to disclose information related to our work in the committee except as authorized under our committee rules.

During nearly 8 years of service on the Ethics Committee, including 2 years as the chairman, I have never found it necessary to disclose committee documents or any other privileged information. Mr. Speaker, that

changed yesterday when it became clear that the Democrat leadership would, indeed, force Members to vote on a proposed independent ethics entity.

You see, I knew, and Chairwoman STEPHANIE TUBBS JONES knew, something that the other Members of this House did not know. Several months ago, we had been advised by the non-partisan, professional attorneys at the Ethics Committee that they believed the proposed independent ethics entity would infringe upon Members' due process protections under the rules of the House and that it would seriously hamper the Ethics Committee's ability to carry out its important responsibilities.

When the ranking member of the bipartisan task force, Mr. SMITH of Texas, sent a letter asking for our committee's official comments on Representative CAPUANO's proposal, I took his request to Chairwoman TUBBS JONES and asked her to prepare a formal response with me to the ranking member of that task force. I did so because I felt strongly that the proposed entity would so greatly impact the work of the Ethics Committee that it would be irresponsible, Mr. Speaker, irresponsible not to share with task force members our official views of this plan.

Last night, in a Dear Colleague letter to every Member of this House, that was printed in the CONGRESSIONAL RECORD, it was printed in Roll Call, it was printed in other publications, Representative TUBBS JONES has attempted to rewrite the history on this issue.

For reasons that I have trouble fathoming, she now claims, and I quote, Mr. Speaker, “Both Representative HASTINGS and I agreed that the Ethics Committee could not and should not give advice to the committee charged by House leadership with reviewing the ethics process itself.”

Mr. Speaker, nothing could be further from the truth. I could not possibly have stated more clearly to Mrs. TUBBS JONES my desire to respond fully and jointly to Ranking Member SMITH's request for guidance on how the task force proposal would affect our committee.

Now I recognize the difficulty that she must have explaining to her colleagues why she did not believe that they should be made aware of the concerns expressed by our nonpartisan attorneys on the committee. But, Mr. Speaker, those attorneys don't work for her and they don't work for me. They work for every Member of this House. So, I don't understand, I didn't understand then and I don't understand now, why my distinguished colleague, the gentlelady from Ohio, sought to keep that information from every Member of the House, but she did. And I do not stand by and permit her to call into question my integrity on setting that record straight, as I did so with a letter I sent out to every Member,

along with the e-mail of the attorneys on their advice on that issue.

Now, Mr. Speaker, Members should be advised that this is not the first time that I have had to set the record straight following ill-considered public comments by Representative TUBBS JONES. Last June, she issued a press release declaring that the Ethics Committee would empanel an investigative subcommittee into the matter of Representative WILLIAM JEFFERSON. Under the committee's rules, Representative TUBBS JONES had no authority to issue such a statement and lacked the authority to establish such a subcommittee. She not only knew that such an action would require a bipartisan vote of the committee, but she also knew that the committee had never voted on the matter. And she knew, Mr. Speaker, that I had pressed her for months to reestablish the Jefferson subcommittee which had lapsed at the end of the last Congress before it completed its work. And I said so, Mr. Speaker, when she issued that because she did not consult with me and ask me to give permission for her to release that statement. She simply did not do so. So, once again, I cannot fathom her reason for making such an inaccurate and irresponsible statement as I mentioned earlier.

Mr. Speaker, I make no apology to this House for insisting that Members benefit from the advice and counsel of the skilled attorneys at the Ethics Committee before voting on a proposed independent entity. After all, Mr. Speaker, this affects them. I'm a Member, also, of the Rules Committee. And at the Rules Committee 2 weeks ago, when we had testimony on this issue, I expressed my concern then as to what would come of this outside entity.

So, Mr. Speaker, I resent the claim by Representative TUBBS JONES that I have violated the rules of the House and the Ethics Committee in this manner. As she no doubt intended, Representative TUBBS JONES' false allegations have now made their way into the news, bringing further discredit to the House. But most disturbing, Mr. Speaker, is her public threat to use her position as chairman of the House Ethics Committee to bring sanctions against me. Such a threat can only be motivated by a desire to intimidate and embarrass, while distracting attention from her decision to keep every Member of this House from receiving information that I think every Member deserved to have before we voted on that proposal last night.

Mr. Speaker, I think her action in calling into question and impugning my reputation, and what she did last night, is wrong, and I think she failed in her effort of trying to do that.

So I rise today, point of personal privilege, to point out the history of this, and my position, and the reason why I felt that every Member of this House had to have this important information, notwithstanding the fact that we had a very short time frame to even debate the matter at hand.

So, Mr. Speaker, with that, I appreciate your indulgence. And I would like to yield time to my friend from Missouri (Mr. HULSHOF).

Mr. HULSHOF. I thank the gentleman for yielding.

I haven't had the privilege of meeting the newest Member of this body who took the oath of office yesterday, Mr. FOSTER, but I, as everyone did, rose to my feet and applauded as he swore to protect this country. And I'm mindful of what was said last night on the floor of the House, that I wonder what's passing through his mind as the first vote he cast as we all became caught up in this maelstrom of ethics discussion. And I would say to him, I know he's not in the Chamber, but perhaps as he reviews the RECORD, as an incoming freshman in January of 1997, as we commenced the 105th Congress, and I see some of my classmates here on the floor, I remember the first vote I cast was for the Speaker of the House, Newt Gingrich, who was then under a cloud of ethics. And I remember the last vote I cast as a freshman Member was whether or not to impeach a sitting President of the United States.

□ 1200

So my freshman term began and ended with this issue of ethics.

Ironically, as my days in this Chamber wind down, we are embroiled once again in a partisan struggle about the integrity of this institution. I was on the floor last night during the debate, and many who spoke don't even know where the Ethics Committee is located in the Capitol. That's a good thing. That means, then, that you've never had the occasion to be called in front of the committee or to render testimony or to provide some information. And yet it is so vitally important to the integrity of this institution.

My bona fides, again, I listened with some interest to incoming freshmen Members who debated this last night, that the Ethics Committee has been broken, hasn't worked for however many years, and yet I beg to differ in the sense that I was tapped as a non-committee member to sit on an investigative subcommittee, and we sat and we resolved, appropriately, I think, the matter with a former Member from Alabama. I don't need to name his party. It's irrelevant. The House rules apply to everyone equally. Whether you're a backbencher or whether you're one of the most powerful members of leadership, it doesn't matter. But I participated in that investigative subcommittee and then was actually appointed to the committee itself.

I remember standing right here in this very spot as this body voted to expel a Member from Ohio, that extraordinary remedy of substituting the will of this House for the will of the voters of then the 17th District of Ohio. And we did that. And the process worked.

The Ethics Committee continued to handle many sensitive matters, many

of those never seeing the light of day, appropriately, because when a baseless or meritless claim is brought against one of the number of this House, it shouldn't be debated or discussed on the front pages of the newspaper but should be dealt with down in the basement and, as appropriate, then brought to the attention of the American public. So those confidentiality rules are important and necessary.

I objected to the rules changes that were made, my friend from Tennessee mentioned that as well last night, that unilaterally forced upon then the minority, and I objected to those. And let me point out again, as my friend from Tennessee did, that we changed those rules because it was a unilateral action, and that was appropriate for our majority at the time then to say we should redo this in a bipartisan fashion.

And then, of course, may I claim, the "infamous" vote on Medicare part D and allegations that were made. And then suddenly in my time on the committee, I was the chairman of the investigative subcommittee to investigate allegations. We didn't know where the allegations were going to lead us. I issued the report and admonished publicly the then-majority leader on our side of the aisle. I was removed from the committee because of that. More disturbing was the fact that there were professional staff that were fired as a result of that, good, decent, honorable professionals who were fired as a result of that report. Certainly not our finest hour. And there are still some relationships on our side of the aisle that have been strained personally to this day because of those actions.

But the wisest man I ever knew, my father, he never finished college. May he rest in peace. He had a single mantra that I remember from a kid growing up on the farm to those hallowed Halls, and that mantra was simply: The only thing worth keeping in life is keeping your good name, and you keep your good name by standing up and doing what's right. And I will leave this body with that name intact.

I used to believe that an outside entity had no place in the ethics process. But after this renewed partisanship on a committee that should not be partisan, I came to a different conclusion, and I voted with the majority last night as one of the handful on our side that believed that perhaps this might be the way out. And as I leave this august body, I hope and pray that I have not damaged the institution by my vote, but that will be for a future Congress and future Congresses to determine.

The former chairman of the committee, my friend from Washington's predecessor, Mr. Hefley of Colorado, he and I used to believe that if we simply provided the resources for the committee to reward staff, not punish them for doing their jobs, to provide some subpoena power, that the committee itself could continue to hold up

the integrity of this institution. But again, seemingly, that is not the way forward as far as it relates to ethics, and so last night I crossed the aisle and voted for this.

But we are here today for a further purpose. A good and decent, honorable man who has the integrity of this institution at stake has been impugned, in my view; so, unfortunately, we then come to this point of personal privilege.

I have reviewed the letter from my friend, and she is my friend, the March 11 letter that suggests that rules have been violated by the disclosure of a professional opinion about the merits or lack of merits of the proposal we voted on last night. And I will say again for the purpose of the RECORD that, in my view, rule 7, subparagraph d, and the subparagraphs beneath that rule, that there has been no violation of those matters as it relates to the disclosure. This was not the disclosure of any fact or nature of a complaint. This was not the disclosure of any executive session proceedings. It was not the disclosure of any report, study, or document that expresses views, findings, or recommendations in connection with activities of ethics investigation. So as I go through those subparagraphs, those words are important, as we know, not just legally but ethically to determine whether or not this disclosure by Mr. Kellner, who I know personally, having worked with him on the committee, is a very professional, capable individual. I do not find as a sitting Member that anything of the disclosure of Mr. Kellner's letter has violated House rules.

Having said that, I am mindful again of what the gentleman from Illinois (Mr. FOSTER) had to remind us of, and it, hopefully, was a reminder, that we have a privilege to serve here. This is a privilege granted to us. Each of us has taken the same oath of office that Mr. FOSTER took in the well yesterday. And inherent in that oath of office is the belief that the integrity of this institution is more important than any single Member serving here. To think that these same feet that used to walk barefoot down our cotton rows have had the privilege of walking the marble Halls of Congress for the last, now, 12 years, this is something that the integrity of the institution is more important than a single Member. And I can only wonder about those who are here witnessing today, as they excitedly have come to Washington, DC, maybe for their first-ever visit, and they come to the House Gallery, and there must be thrust upon them this discussion about whether Members of Congress are ethical or not, and it saddens me.

So I implore simply all that are here and those that aren't here and for those that are going to come to this body, in order to bring about and reinforce the trust that the 300 million people across the country from sea to shining sea have in this institution, we must have a functioning ethics process.

We don't. And when there are charges and countercharges that, unfortunately, necessitate bringing a point of personal privilege, we do not serve this institution well.

And so I tell the gentleman, with whom I have occasionally disagreed as it relates to ethics, that I think you are an honorable, decent man who has the integrity of this institution deeply in your heart, and I support you and urge all colleagues to consider the institution and the damage that we perhaps are doing by this partisan warfare.

Mr. HASTINGS of Washington. Mr. Speaker, I yield to the gentleman from Ohio (Mr. LATOURETTE), one of my classmates.

Mr. LATOURETTE. I thank Mr. HASTINGS for yielding.

Mr. Speaker, I am not happy to have the opportunity to speak today. The gentleman from Washington is my classmate. We were both elected in 1994. The distinguished chairwoman of the Ethics Committee I've known for 25 years. I served on the Ethics Committee for 4 years, had some of the same circumstances that Mr. HULSHOF was previously talking about at the time. Mr. HASTINGS and Mrs. TUBBS JONES were also members of the Ethics Committee.

And there's a reason that we take that oath of secrecy, and it's why, unlike Mr. HULSHOF, I voted "no" last night. My belief has always been that the ethics process here has worked when left to its own devices, and by "left to its own devices," when leadership on either side stays out of it and permits five good Democrats and five good Republicans to consider what is sometimes a messy business. But it needs to be not aired in public as, sadly, this new whatever we did last night will do, because, and I used to be a prosecuting attorney, as did the chairwoman of the committee, there are many times when a case is brought to you and there are no facts to support that case, but you will be accused on page 1 and the case will be dismissed on page 45, and when you're in public life, by the time you get to the retraction on page 45, your career is ruined.

So every Member that embarks upon the ethics process takes the oath that we will hold close to us and not discuss with our colleagues, not discuss with the press, not discuss with others if we have a Member under investigation, if allegations are made against a Member, not to protect a Member, not to shield that Member from scrutiny, but so that we don't shoot the Member until there has been an adjudication that he or she has done something wrong. I took that oath. Every member of the committee takes that oath. We take that seriously.

Now, yesterday evening when I was preparing to make a determination as to how to vote, I received a memo from DOC HASTINGS, Representative HASTINGS, that had included in it the opinion of the nonpartisan, bipartisan

professional staff of the Ethics Committee where they opined on how, if at all, what was being done last night would impact upon the ethics process of this House. I have to tell you that the memorandum wasn't written for Republicans. It wasn't written for Democrats. It was nonpartisan, bipartisan, and I found a lot in it that I thought that's an interesting point and I hadn't actually thought about it. I was grateful to receive that memorandum from DOC HASTINGS, not knowing how it came to my possession or attention other than DOC HASTINGS provided it.

I'm dismayed on this point of personal privilege, however, to then be in receipt of a letter written by my friend the chairwoman of the committee that, in my opinion, has a tortured construction of rule 7 of the committee. It correctly indicates that we take the oath of secrecy and matters should only be discussed in accordance with the rules of the House. Mr. HULSHOF, I think, has adequately talked about 7(d), and what that indicates is that we're not supposed to talk about if Representative Y is under investigation until that matter moves to the public phase, that being the adjudicatory hearing, which we achieved against the gentleman from Ohio a number of years ago and which we were all involved in.

□ 1215

It does not, in my opinion, indicate that when a memorandum that might be instructive to the other Members of the House on a matter before the House should remain secret. And I would just say that we would then read paragraph 7(g) that indicates that, "Unless otherwise determined by a vote of the committee, only the chairman or ranking minority member of the committee, after consultation with each other, may make public statements regarding matters before the committee of any subcommittee."

The gentleman from Washington says that is what he did. And if the gentleman from Washington did that, I find no violation of the committee rules. I find no violation of the House rules. And I think what is most unfortunate, and it really goes into why the matters before the Ethics Committee need to remain secret, the letter suggests, it doesn't suggest, it says that Representative HASTINGS has broken the rules of the House, and if he does it again, there is going to be a complaint. Well, if someone feels that way, then file a complaint. But it is entitled to the confidentiality which it is now indicated has somehow been broken.

And I want to indicate that besides my disappointment, that what is roiling this House, and I think those of us that are centrists, moderates, those of us that are institutionalists, we now are roiled in the House because the rules don't seem to be the rules. The rules apply when people think they should apply. And if the rules don't apply, well, then we will make a new rule.

And last night's example, and it ties in directly to this point of personal privilege, couldn't be any clearer. The new majority, because of the Medicare part D vote that Representative HULSHOF talked about that we wrongly held open for 3 hours to achieve a certain result, in outrage in response to the culture of corruption that permeated this place until 2007, led to a rule change. And the rule change was that we will hold no vote open in this House for the sole purpose of affecting the outcome or changing the outcome.

Well, that is just what we did last night, sadly, Mr. Speaker. For 12 minutes, 12 minutes after the final vote was cast, the vote was held open. It was 204-209. And during those 12 minutes, four Members of the majority party were persuaded to switch their votes. There is no other explanation. But where we find ourselves, and why this point of personal privilege is so important, where we find ourselves is that the rule is written in such a way that says you can't hold the vote open for the sole purpose of affecting or changing the outcome.

Now, we are going to have to bring in Kreskin. We are going to have to have ESP to climb into the mind of the presiding officer. And unless the presiding officer says, do you know what, I know what the rule is, I know what clause 9 of rule XX says, but I kept the vote open to affect the outcome. Short of that, there is no way to enforce the rule. And it puts us in a very difficult place. And I would ask my friends that are today in the majority to remember the 12 years that they were in the minority that they felt so oppressed, and in many cases had the right to feel oppressed, by some of the heavy-handed tactics that were employed on the conduct of this floor.

When you have a rule that can never be enforced, when you have rules that you don't pay attention to, it leads to discontent. It destroys the fabric of the institution. The minority serves an important purpose in the House of Representatives. It is the loyal dissent. It is to make sure that the majority just can't run roughshod and do what they choose to do in violation of rules, practices, precedents and procedures.

I fear, Mr. Speaker, that last night the rules were once again broken. I believe that the totality of the circumstances will demonstrate that. But what I do not find is that my friend and classmate from the State of Washington violated rule 7 of the Ethics Committee.

Mr. HASTINGS of Washington. I thank the gentleman.

Mr. Speaker, I want to yield now to the minority Republican whip, Mr. BLUNT of Missouri.

Mr. BLUNT. I thank the gentleman for yielding.

I come today to express my great appreciation for him, the work he has done in this and past Congresses, the work he has done as part of our whip team, the consistent good judgment I

think he shows as a Member of this body. And I was surprised last night with the letter that appeared on the floor. I was surprised yesterday, frankly, that there could have been information available to the Members of this House from the staff of the Ethics Committee that deals with the proper work of the internal committee that has overseen the ethics of this House for a long time that that information would be out there and not made available to us, and frankly pleased that Mr. HASTINGS followed the procedure that the rules call for and let that information be available to Members.

And then, on the floor of the House last night, I received a letter from the chairman of the committee. And I appreciate her work too. The Ethics Committee is not an easy committee to serve on. Being the chairman is not an easy role to fill in this Congress, and I think Members of the House should be and are grateful to their colleagues who are willing to serve on the Ethics Committee.

But when I saw this letter last night, I was particularly taken by a paragraph, the third paragraph from the end which says, "Representative Hastings' reliance on rule 7(g) which states 'Unless otherwise determined by a vote of the committee, only the chairman or ranking minority member of the committee, after consultation with each other, may make public statements regarding matters before the committee of any subcommittee.'" And then it went on to say after it quotes that rule, that that rule "does not relieve him of the obligation to comply with the rules of confidentiality."

First of all, I don't know what purpose that rule would serve if it doesn't allow the ranking member and the chairman to tell the other person, as the rule says, here is something that I have decided is important to the Members of the House to understand or important for others to understand. That is what the rule is for. The rules of confidentiality as I read them, appear to clearly be talking about investigation, not opinions of outside ethics efforts that may or may not impede the work of the Ethics Committee. And that was important for us to have. It went on in the last sentence to say, the last two sentences to say, "I do however want to make it clear that if he continues to release confidential communication, I will seek to have him sanctioned for violations of the Code of Official Conduct."

The relationship here may be such that this is not intimidating, but it certainly seems intimidating to me. And I join my good friend in rising to this moment of personal privilege to explain how he was working within the rules, how he is a long-term member of this committee, understood the rules, and how he properly, in my opinion, arrived at the conclusion that if we are voting on the floor on something that is likely to impede the efforts of the in-

ternal Ethics Committee as the bipartisan, nonpartisan staff of the committee said it would, that that is something that Members had a right to know, and I rise in support of my friend and the actions he has taken.

Mrs. JONES of Ohio. Would the gentleman yield?

Mr. HASTINGS of Washington. I have other Members that wish to speak, and I will call on them at this point.

Mrs. JONES of Ohio. My question is will the gentleman yield at some point?

Mr. HASTINGS of Washington. I will not yield at this point.

Mrs. JONES of Ohio. At any time during the hour?

Mr. HASTINGS of Washington. Mr. Speaker, it is my time, and I will decide.

The SPEAKER pro tempore (Mr. PAS-TOR). The gentleman from Washington controls the time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield to Mr. LAHOOD from Illinois, another one of my classmates.

Mr. LAHOOD. I thank my friend for yielding.

Congressman DOC HASTINGS is one of the most respected Members of the House of Representatives. And RAY LAHOOD doesn't have to say that. I am saying it. But the people of his district have said it on seven different occasions. It is called an election. An election is a referendum on one's service. And no one has served for the last 14 years in his district better than he has. And the people have said that.

When a letter like this from the chairman of the Ethics Committee is disclosed publicly, it gets on the front page of Doc HASTINGS' hometown newspaper. And it plants a seed in the minds of the people who have sent him here on seven different occasions that he may have done something wrong, that he may have violated the rules.

And the truth is DOC HASTINGS has violated no rules. He has done nothing wrong. He hasn't violated any rules of the House. He has been on the Ethics Committee, when I asked him how long he has been on, he said too long, but I believe he has been on 6 years. It's the hardest committee to serve on. It's the hardest committee to find Members to serve on, because of decisions you have to make against your colleagues.

And for one member, particularly the Chair of the committee, to try and impugn his motives or to suggest that he violated the rules is simply wrong. And hopefully that wrong can be righted today during this 1 hour of his opportunity to try and regain his reputation in the House of Representatives.

There's a saying where I come from, once you tar and feather someone, you can never get the tar off. What happened here with the disclosure of this letter, made public in Doc's district, is that he will always have a little bit of this tar on him, that somehow he might have violated the rules. That's wrong, folks. What good is it for us to

trash one another? What good is it for the institution to try and criticize someone for no other good than to try and make a point on a piece of legislation that your side of the aisle wanted to pass.

I believe that the chairwoman of the Ethics Committee owes DOC HASTINGS an apology for trying to besmirch and impugn his integrity and his honesty and his service on the Ethics Committee and in the House of Representatives. If the chairwoman, Mr. Speaker, would be willing to do that, it might get on page 40 of his local newspaper. It won't be on page 1 the way the headlines read today. We owe it to DOC HASTINGS, to the people that sent him here, to do this for him.

And if I can be so bold, Mr. Speaker, I would also suggest that because of the threat that was made in the last paragraph of the letter, that perhaps the chairwoman, in the event that Representative HASTINGS would do this again that she might file charges against him, that we need a new chairperson of the Ethics Committee. Because I think when you use your position as the Chair of the Ethics Committee to threaten a member of the committee, you not only owe that member an apology, you need to take a different place on that committee. You can't use that kind of power against a member of the committee. That is wrong, Mr. Speaker. That hurts the whole House. It hurts Congressman HASTINGS. It hurts the people that sent him here. We need to do better in this House. We do no good by trashing one another, by besmirching and trying to discredit people who come here to serve honestly, with integrity, by the rules. The rules have not been broken. There is nothing in the memo that was disclosed that has anything to do with another Member, anything to do with any investigation. It was information to be shared with Members about a piece of legislation that some of us thought was pretty bad. And apparently people on that side of the aisle didn't want your Members to have it. So you put out a letter discrediting the ranking member of the committee. That is wrong.

And so I encourage, Mr. Speaker, the Speaker of the House to find a different place for the Chair of the Committee on Ethics and to ask the Chair of the Committee on Ethics to apologize to Mr. HASTINGS so he can have some semblance of his reputation, one of honesty and integrity and hard work for 14 years on behalf of the people of the State of Washington.

Mr. HASTINGS of Washington. I thank the gentleman very much for his sentiments.

I yield to the gentleman from California (Mr. DANIEL E. LUNGREN), the former attorney general.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

I've served in this body for 14 years stretched over 30. Twenty-nine years

ago, I think it was the first official action I took on this floor, was to bring a resolution to expel a Member. It was not something I wanted to do as a freshman. But we had a true ethics problem at the time. And frankly, I didn't think we were dealing with it in the appropriate way. That was sort of my baptism of fire here.

Since I returned to Congress 4 years ago after an absence of 16 years, I have applauded the work of the Ethics Committee because often I and my staff consult with the staff of the Ethics Committee to ensure that we are acting within the rules of this House. And I must say the return that we have received in terms of information, advice and counsel from the Ethics Committee staff has been professional, exceptional and helpful. And so, when I see memos or letters that are addressed to the membership from the Ethics Committee, I pay attention to it.

□ 1230

I try and incorporate that information in my decisionmaking. So when I received the letter from Congressman HASTINGS with the memo enclosed, I thought it was a benefit to me as an individual Member of this House in making my decision.

I came to the floor, frankly, not knowing what I was going to do on that ethics package. I sat with the gentleman from Missouri and went over it. We, in fact, went over the memo that was given to us by DOC HASTINGS, not just because it was given to us by DOC HASTINGS, but because it was a professional opinion of those on the staff of the Ethics Committee that I have learned to trust. It doesn't mean that I follow blindly their opinion, but it does mean that I am educated by that information.

For the life of me, I could not understand any rule adopted by this House or the committee that would deny me, as an individual Member, the benefit of that information when, in the judgment of the ranking member, he thought it might help me and others make a decision. And when you review the rules cited by the gentlewoman in the letter that contained the threat of a complaint to be filed against the gentleman from Washington, I cannot find the basis for a complaint.

Now, I have not served on the Ethics Committee, I will admit. I have practiced law for 30-some years. I have been the attorney general of the State of California. I have prosecuted people. I have put people in prison. I have done investigations of other elected officials.

I have had to compartmentalize, and understand that when you do a criminal investigation and it doesn't rise to the level of a complaint or an indictment, you cannot, as a matter of honor, as a matter of ethics, use that information in debate, in informing the public, even though you may find that the individual that was under investigation happened to be stupid, hap-

pened to be unethical, because you got that information by way of an investigation of a criminal matter.

So, while I haven't served on the Ethics Committee, I believe I have over the course of my political and legal career been able to read legislation, read rules, and not only find out what the spirit of the law is, but the letter of the law. And I cannot find in the citation by the gentlelady from Ohio any basis for making a claim against the gentleman from Washington.

Now, we can disagree on that. I am not on that committee. She is the Chair. However, the thing that troubles me perhaps the most is that this was made public. A complaint about the gentleman breaching confidentiality about a matter that was not of interest to an individual Member, that is, was not directed at a Member in terms of an investigation, that alleged breach is revealed by a breach of confidentiality that gives the gentleman from Washington very little opportunity to defend himself. And that is part of the crux of the debate last night.

Yes, as the Speaker said, we all are subject to criticism, some fair, some unfair. That is part of the business of being in politics. But the fact of the matter is, we here should not enhance that kind of platform for irresponsible allegations against one another. And one of the ways we ensure that we don't do that is the confidentiality with respect to complaints against somebody.

So, I would just hope that the people of the gentleman's district in Washington would understand that in the judgment of many, I would say most in this body, virtually universal, there is no basis for a claim of complaint against the gentleman from Washington. He did nothing to reveal anything with respect to an investigation, anything with respect to the business of the Ethics Committee. What he did was give us the benefit of judgment of professionals on that committee pertaining to an upcoming legislative debate.

Have we gone so far in this House that we deny ourselves of information that would inform the debate? Is that what we are talking about? Talk about turning the first amendment on its head, saying that the House of Representatives, which is supposed to be the great debating society of this institution, ought to be denied an opportunity to debate when informed.

I love this House. I came back to this House. I may die in this House. I love the institution, this House. And I think we who believe this institution is important to the American people believe it is also important to those who have been privileged to serve here. If we do not have respect for ourselves, how can we ask the public to have respect for us? If we do not have respect for ourselves, how can we have respect for this institution?

So, Mr. Speaker, I rise in sorrow about the accusations made against my

friend from Washington and want to stand here and say I have found him in every way to be an honorable man, and that his actions over this last week were anything but dishonorable, were in fact efforts to inform this House, which is what we all ought to be about when we vote.

I thank the gentleman.

Mr. HASTINGS of Washington. I would like to yield to my friend from the neighboring State of Idaho, Mr. SIMPSON.

Mr. SIMPSON. I thank the gentleman from Washington for yielding.

I have known DOC HASTINGS since I came here in 1999. He has always been kind of a mentor of mine, because we come from adjacent States, and a lot of the issues we deal with are similar. So I have consulted with him and sought his advice on many of the issues that affect our two States. We have done things together. I have known that he has served on the Ethics Committee, has been an honorable member of the Ethics Committee.

In fact, at times, we have been out doing a variety of things, whether it is out to dinner or out playing golf or something together, and there is always a case before the Ethics Committee which sometimes is of interest to other Members of the House. And I have inquired of him, how is that going, what is going on there in that case, or whatever. DOC has never failed to look at me and say, I can't talk about that. He has always kept the confidentiality of that committee on everything that has proceeded before it, and I respect him for that, even though many of us would like to know what is going on behind the closed doors.

Now, I am not an attorney, but I will tell you, I have been, when I served in the Idaho legislature as Speaker of the House, I care an awful lot about the institution. That is some of the debates we are currently having between the administration and the legislative branch and the rights and privileges of the institution in maintaining the rights and privileges of this institution.

So I care deeply about this institution and its future. It is one of the reasons that I had a problem with the legislation that was proposed last night on the ethics reform. As I said, I am not an attorney. What I rely on, and all of us become specialists in some areas when we come here, things that interest us, but what I rely on is the advice of other people.

When it comes to the advice of the Ethics Committee and what they do and the role they play and the impact that the legislation that was presented to us last night has, the impact that would have on the way our Ethics Committee works and the ethics of the House, I thought the information that was presented by DOC HASTINGS was not only important, it was vital to me being able to make a decision. And I think that type of information, as the

gentleman from California (Mr. DANIEL E. LUNGREN) said, is vital to the debate on any issue that comes before the House.

How can we deny Members opinions from people who are experts in the area, whether we agree with them or not? I might have read all that and said, you know, that is interesting; I hadn't thought about that, but I disagree with that. But Members rely on other people's and experts' opinions on issues that come before the House. We have not only a right, we have an obligation to have that information if we are going to make informed decisions about issues that come before us. And certainly the ethics of this House and how we proceed is an issue for this House to deal with.

So, to suggest that somehow the information that DOC HASTINGS gave to the Members of this House so that they could weigh it in making a decision on the legislation presented to us last night was vital.

I was very, very disappointed to read what I took to be a threatening letter from the chairwoman of the Ethics Committee suggesting that Mr. HASTINGS had done something improper. I can find nothing improper that he did. In fact, what he did I thought was advance the debate. We happened to lose that debate last night. That is okay. That is the way the process worked. But to suggest that Members shouldn't have that information is a joke. And to then put out a letter saying that Congressman HASTINGS did something wrong, as has been mentioned several times, stains the reputation of this good man, and he deserves an apology from the Chair. And to suggest that if this happened again the chairwoman would sanction him brings into question her objectivity in judging him in the future, particularly if an ethics charge were charged against him. I agree with those who suggest that it may have placed in jeopardy her position as chairwoman of the committee.

So, I think at the very least she owes this good man from Washington, who has served us and those Members that serve on the Ethics Committee, an apology, and I hope that she would be big enough to apologize.

I thank the gentleman for yielding, and I thank him for the time that he has served on the Ethics Committee. It is kind of a standard joke around here that, yes, I am on the Ethics Committee. Do you want to be on it, because it is not one of those thankful positions to serve on in this House.

I thank you for the time you have served on that committee. It is a service to all of us and to this institution.

Mr. HASTINGS of Washington. I thank the gentleman very much for his very kind remarks.

I am happy to yield to the distinguished chairwoman of the Ethics Committee, if she would acknowledge that I did consult with her on this matter.

Mrs. JONES of Ohio. Thank you, but I won't.

Mr. HASTINGS of Washington. Mr. Speaker, I am disappointed that that was the response, because let me go back and again review this, at least chronologically on the issue that we debated last night and my involvement with that and my involvement with the professional attorneys that wrote their opinion on the impact this would have on the ethics process.

I was sent a letter by the ranking member, Mr. SMITH of Texas, the first part of November. It was addressed to me. It was also addressed to the committee. We had our regularly scheduled meetings at that time, and I asked the chairwoman that I think that we should respond to this in a way, and in further fact, would you be interested, and she said no. I said okay, I respect that. But the attorneys went about their business, as was asked, and rendered their thoughts on what this would do to the whole committee process.

Now, this was in November, Mr. Speaker. That plan of this outside group was not made public until the end of December. There was time, I am not sure of the exact time frame, when those attorneys went down and consulted with the task force. There is a bipartisan group there, at least from a staff standpoint, I am not sure, because I wasn't a member of that task force, but I was advised that they went down and shared their concerns. So there was some involvement from our staff attorneys with the task force on the issue and the policy, and I want to emphasize this, Mr. Speaker, on the policy that would confront the House later on.

Now, two weeks ago when I was in the Rules Committee, I am a member of the Rules Committee, we had what I thought was a very, very good discussion when Mr. CAPUANO and Mr. SMITH came up and testified on the merits or demerits of this outside bill. There was a lot of angst on the other side, I have to say. The distinguished chairwoman of the Rules Committee expressed her displeasure at that time, and my other colleagues on the Rules Committee did too. But we had a very, very open discussion. And I expressed at that time, Mr. Speaker, what I thought would be at least a partial remedy for the ethics process.

□ 1245

I felt that there needs to be more transparency some way while still keeping and not violating confidentiality. I thought that Mr. SMITH's position was a very, very good position the way it was set up, and I felt that should have at least been debated on the floor. That's probably another issue.

But as this process moved forward, and the fact that, I believe it was 2 weeks ago the issue was pulled from the floor, the distinguished majority leader said new information has come

to us. That information came in Mr. SMITH's proposal. He said it deserves looking into.

At that time, if my memory serves me correctly, Mr. WAMP and Mr. HILL, Republican and Democrat, both stood up and announced that they too had a bipartisan suggestion that should be looked at. So I thought, well, okay, maybe this will go in a way that I think is very beneficial.

I have long felt, and I said at that Rules Committee meeting before, that when you do ethics you need to do it in a bipartisan way. It has been alluded to. My friend, Mr. HULSHOF, made this observation earlier on.

I am absolutely convinced in this body you cannot, you cannot make ethics legislation unilaterally. It comes back to bite you because of the nature, I guess, of the issue. We painfully learned that, as Mr. HULSHOF pointed out in his remarks. I have stated this a number of times upstairs in the Rules Committee when this issue has come up.

I thought this task force, frankly, moving forward, would be a way to settle that. But as we know, we had a great deal of problems on our side of the aisle with an outside group. It apparently couldn't come to an agreement on that. As a result it went forward unilaterally.

At that time, I felt that the information, the information that our professional attorneys downstairs had come up with the proposal, was worthy to be shared by everybody in this House so that we could make a determination as to what is the best course for the institution. Sometimes I truly believe that we think too much in 2-year cycles, which coincides with our term. I think we ought to think longer term. I really think that the rules change that we made last night was the wrong rules change, but that will be judged, I suppose in the future.

I came to the conclusion, knowing that this memo was there, and so I went, had a meeting with the distinguished chairwoman and, again, consulted with her. She, of course, disagreed with my position, and I said that I was going to do so, and I did. Now, before I released that, I might say, I asked my staff to contact the chairwoman's staff to let her know that I was going to go forward with this, which, of course, I did.

I was very surprised when I came to the floor and saw this letter that was sent out. Thus I felt that I needed to rise today on a point of personal privilege to explain my position.

I suppose, like all positions that we have, and positions that we take in this body, there is always more than what is on the surface. I felt that needed to be explained as fully as I possibly could. But I have to say if I am guilty of anything, that my motivation was to allow the Members of this body to get as much information as possible. I have had Members from the other side of the aisle last night and this morning

who came up to me and said I wonder why this information didn't want to be shared. Well, I don't know that. I don't have the answer to that.

But I felt absolutely within my rights, without violating the rules of the committee or the House, to share that with all of my colleagues. I did so, and I did so in a way that I think is in the best tradition of this House for as much openness as we can possibly have.

Mr. Speaker, I have no more requests for time. I thank the House for its indulgence, and I yield back the balance of my time.

MOTION TO ADJOURN

Mr. LAHOOD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LAHOOD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 3, nays 382, not voting 44, as follows:

[Roll No. 127]

YEAS—3

Johnson (IL)	McNerney	Paul
NAYS—382		
Abercrombie	Brown-Waite,	Davis, David
Ackerman	Ginny	Davis, Tom
Aderholt	Buchanan	DeFazio
Akin	Burgess	Delahunt
Alexander	Burton (IN)	DeLauro
Allen	Butterfield	Dent
Altmire	Buyer	Diaz-Balart, L.
Andrews	Calvert	Diaz-Balart, M.
Arcuri	Camp (MI)	Dicks
Baca	Campbell (CA)	Dingell
Bachmann	Cannon	Doggett
Baird	Cantor	Donnelly
Baldwin	Capito	Doolittle
Barrett (SC)	Capps	Drake
Barrow	Capuano	Dreier
Bartlett (MD)	Cardoza	Duncan
Bean	Carnahan	Edwards
Becerra	Carney	Ehlers
Berkley	Carter	Ellison
Berman	Castle	Ellsworth
Berry	Castor	Emerson
Biggart	Chabot	Engel
Bilbray	Chandler	English (PA)
Bilirakis	Clarke	Eshoo
Bishop (GA)	Cleaver	Etheridge
Bishop (NY)	Clyburn	Everett
Bishop (UT)	Coble	Fallin
Blackburn	Cohen	Farr
Blumenauer	Conaway	Fattah
Blunt	Conyers	Feeney
Boehner	Cooper	Ferguson
Bonner	Costa	Filner
Bono Mack	Costello	Flake
Boozman	Courtney	Forbes
Boren	Cramer	Fortenberry
Boswell	Crenshaw	Fossella
Boustany	Crowley	Foster
Boyd (FL)	Cuellar	Fox
Boyd (KS)	Culberson	Franks (AZ)
Brady (PA)	Cummings	Frelinghuysen
Brady (TX)	Davis (AL)	Galleghy
Brady (IA)	Davis (CA)	Garrett (NJ)
Brown (GA)	Davis (IL)	Gerlach
Brown (SC)	Davis (KY)	Giffords

Gilchrest	Lungren, Daniel	Rothman
Gillibrand	E.	Roybal-Allard
Gingrey	Lynch	Royce
Gohmert	Mack	Ruppersberger
Gonzalez	Mahoney (FL)	Ryan (OH)
Goode	Maloney (NY)	Ryan (WI)
Goodlatte	Markey	Salazar
Gordon	Marshall	Sali
Granger	Matheson	Sánchez, Linda
Graves	Matsui	T.
Green, Al	McCarthy (CA)	Sanchez, Loretta
Green, Gene	McCarthy (NY)	Sarbanes
Grijalva	McCaul (TX)	Saxton
Gutierrez	McCollum (MN)	Schiff
Hall (NY)	McCotter	Schmidt
Hall (TX)	McCrery	Schwartz
Hare	McDermott	Scott (GA)
Harman	McGovern	Scott (VA)
Hastings (FL)	McHenry	Sensenbrenner
Hastings (WA)	McHugh	Serrano
Hayes	McIntyre	Sessions
Heller	McKeon	Sestak
Hensarling	McMorris	Shadeeg
Herseht Sandlin	Rodgers	Shays
Higgins	McNulty	Shea-Porter
Hill	Meek (FL)	Sherman
Hirono	Meeks (NY)	Shuler
Hobson	Mica	Shuster
Hodes	Michaud	Simpson
Hoekstra	Miller (FL)	Sires
Holden	Miller (MI)	Skelton
Holt	Miller (NC)	Slaughter
Honda	Miller, Gary	Smith (NE)
Hoyer	Miller, George	Smith (TX)
Hulshof	Mitchell	Smith (WA)
Hulshof	Moore (KS)	Snyder
Inglis (SC)	Moore (WI)	Solis
Inslee	Moran (KS)	Souder
Israel	Murphy (CT)	Space
Jackson (IL)	Murphy, Patrick	Spratt
Jackson-Lee	Murphy, Tim	Stark
(TX)	Murtha	Stearns
Jefferson	Musgrave	Sutton
Johnson (GA)	Myrick	Tanner
Johnson, E. B.	Nadler	Tauscher
Johnson, Sam	Napolitano	Taylor
Jones (NC)	Neal (MA)	Terry
Jones (OH)	Neugebauer	Thompson (CA)
Jordan	Nunes	Thornberry
Kagen	Obey	Oliver
Kanjorski	Oliver	Ortiz
Kaptur	Pallone	Pallone
Keller	Pascarella	Pastor
Kennedy	Pastor	Payne
Kildee	Payne	Pearce
Kilpatrick	Pearce	Pence
Kind	Pence	Peterson (MN)
King (IA)	Petri	Pitts
King (NY)	Pitts	Platts
Kingston	Platts	Poe
Kirk	Pomeroy	Porter
Klein (FL)	Porter	Price (CA)
Kline (MN)	Price (CA)	Price (NC)
Knollenberg	Price (NC)	Pryce (OH)
Kucinich	Pryce (OH)	Putnam
Kuhl (NY)	Putnam	Radanovich
LaHood	Radanovich	Rahall
Lamborn	Rahall	Ramstad
Lampson	Regula	Regula
Langevin	Rehberg	Reichert
Larsen (WA)	Reichert	Reyes
Larson (CT)	Reyes	Reynolds
Latham	Reynolds	Richardson
LaTourette	Richardson	Rodriguez
Latta	Rodriguez	Rogers (AL)
Lee	Rogers (AL)	Rogers (KY)
Levin	Rogers (KY)	Rogers (MI)
Lewis (CA)	Rogers (MI)	Rohrabacher
Lewis (GA)	Rohrabacher	Ros-Lehtinen
Lewis (KY)	Ros-Lehtinen	Roskam
Linder	Roskam	Ross
Lipinski	Ross	
LoBiondo		
Loebach		
Lofgren, Zoe		
Lowe		
Lucas		

NOT VOTING—44

Bachus	Emanuel	Mollohan
Barton (TX)	Frank (MA)	Moran (VA)
Boucher	Herger	Oberstar
Brown, Corrine	Hinchey	Perlmutter
Clay	Hinojosa	Peterson (PA)
Cole (OK)	Hooley	Pickering
Cubin	Hunter	Rangel
Davis, Lincoln	Issa	Renzi
Deal (GA)	Manzullo	Rush
DeGette	Marchant	Schakowsky
Doyle	Melancon	Shimkus

Smith (NJ)	Thompson (MS)	Westmoreland
Stupak	Towns	Woolsey
Sullivan	Udall (CO)	Young (AK)
Tancredo	Weldon (FL)	

□ 1313

Messrs. INSLEE, KUCINICH, and LATHAM changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 1040

Whereas on June 13, 2007, the publication The Politico reported, "Democratic leaders gave in to Republican demands that lawmakers be allowed to challenge individual member-requested projects from the final version of each appropriations bill."

Whereas on November 15, 2007, Representatives Jack Kingston and Frank Wolf introduced H. Con. Res. 263, to establish a Joint Select Committee on Earmark Reform, and for other purposes;

Whereas on March 6, 2008, The Hill reports in "Obey Criticizes Kingston on earmarks" that "Kingston said Obey has been 'very irritated' with his push for reform.";

Whereas on March 5, 2008, House Appropriations Chairman David Obey sent a Dear Colleague to Republican Members stating "In light of the continuing discussion on earmarks in the Republican Conference, the Appropriations Committee needs to determine how it would proceed."

Whereas on March 6, 2008, The Hill reports in "Task Force Looking Beyond Earmarks" that "Obey issued a memo to Republicans in multiple-choice format asking them to check one of two boxes, stating whether they believed in a one-year moratorium and therefore would not be submitting earmark requests, or did not believe in a moratorium and would be submitting requests. Obey spokeswoman Kristin Brost said Obey called the memo his 'anti-hypocrisy memo, aimed at House Minority Leader John Boehner's (R-Ohio) repeated calls for a moratorium.'";

Whereas the Chairman of the Appropriations Committee Dave Obey stated in said letter: "Because it is important for the Committee to move ahead with bills in a timely fashion, I will assume that any Member not returning this form by March 19, 2008 wishes to see Congressional earmarks discontinued and will therefore be submitting no request for fiscal year 2009."

Whereas House Rule XXIII Clause 16, states that a Member may not condition the inclusion of language to provide funding for a congressional earmark on any vote cast by another Member.

Whereas the Chairman of the Appropriations Committee, Dave Obey, has conditioned the receipt of an earmark from the Committee on Appropriations on a Member's opposition to a moratorium on earmarks: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is directed to investigate without further delay violations of House rules by Representative Dave Obey and report its findings and recommendations to the House, including a recommendation